

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; REZONING A TRACT OF LAND CONSISTING OF 22.3 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND #6 SURVEY, ABSTRACT NO. 149 CITY OF FRISCO, COLLIN COUNTY, TEXAS, HERETOFORE ZONED COMMERCIAL-1 (C-1) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-RETAIL/OFFICE-2 (PD-R/O-2); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, the City of Frisco, Texas ("Frisco") has received a request from Trike Investors, LP (the "Applicant") to rezone 22.3 acres of land, more or less, situated in the Collin County School Land #6 Survey, Abstract No. 149 in the City of Frisco, Collin County, Texas; and

WHEREAS, the City Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Comprehensive Zoning Ordinance No. 00-11-01. Comprehensive Zoning Ordinance No. 00-11-01 is amended as follows: The zoning designation of the below-described property containing 22.3 acres of land, more or less, situated in the Collin County School Land #6 Survey, Abstract No. 149 in the City of Frisco, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Retail/Office-2. The Property, as a whole, and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim. The general location of the Property is depicted on Exhibit "A-1", attached hereto.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with: 1) the statement of intent and purpose, attached hereto Exhibit "B"; 2) the planned development standards, attached hereto as Exhibit "C"; and 3) the zoning plan attached hereto as Exhibit "D". Exhibits "B", "C", and "D" are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

Three (3) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the City Secretary and retained as the original records and shall not be changed in any manner.
- b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred (200) feet of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of said premises in some manner other than as authorized by this Ordinance and it shall be unlawful for any person, firm, entity or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or entity violating this Ordinance, any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Savings/Repealing Clause. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with

this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the Charter of Frisco.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2009.

MAHER MASO, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

JENNY PAGE, City Secretary

APPROVED AS TO FORM:



ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
CLAIRE E. SWANN, City Attorneys

DATES OF PUBLICATION: _____, *Frisco Enterprise*

**EXHIBIT A
LEGAL DESCRIPTION
22.33 ACRES**

BEING a tract of land out of the COLLIN COUNTY SCHOOL LAND #6 SURVEY, Abstract No. 149, in the City of Frisco, Collin County, Texas, being part of the 19.1735 acre tract of land described in deed to Trike Investors, L.P. recorded in Volume 5644, Page 4865 of the Land Records of Collin County, Texas and being more particularly described as follows;

BEGINNING at point at the intersection of the centerline of the Dallas North Tollway (300' ROW) as described as a 4.82 acre tract in deed to the City of Frisco, recorded in Collin County Clerk's File No. 94-0048746 of the Land Records of Collin County, Texas and the extension of the north line of a tract of land described in deed to Bert Fields, Jr., recorded in Volume 1519, Page 891 of the Land Records of Collin County, Texas, said iron rod being the southeast corner of said 4.82 acre tract;

THENCE with said centerline, the following courses and distances to wit:

North 00°14'37" West, a distance of 115.72 feet to a point for the beginning of a tangent curve to the right having a central angle of 18°25'09", a radius of 2864.79 feet and a chord bearing and distance of North 08°57'57" East, 917.00 feet;
Northeasterly, with said curve, an arc distance of 920.96 feet to a point for the intersection with said centerline and the centerline of John Hickman Parkway;

THENCE with said centerline, the following courses and distances to wit:

South 83°40'06" East, a distance of 152.47 feet to a point for the beginning of a non-tangent curve to the right having a radius of 1050.00 feet, a central angle of 14°49'12", a chord bearing and distance of North 88°55'17" East, 270.83 feet;
Northeasterly, with said curve, an arc distance 271.59 feet to a point for corner;
North 81°30'41" East, a distance of 204.24 feet to a point for the beginning of a tangent curve to the right with a radius of 1050.00 feet, a central angle of 4°59'55", and a chord bearing and distance of North 84°00'39" East, 91.57 feet;
Northeasterly, with said curve, an arc distance of 91.60 feet to a point for corner;
North 89°28'11" East, a distance of 139.11 feet to a point for corner in the southerly most west line of a 375.49 tract of land described in deed to Pansy Family Limited Partnership, recorded in Collin County Clerk's File No. 97-0082911 of the Land Records of Collin County, Texas;

THENCE with said west line, South 00°03'02" East, a distance of 1041.70 feet to a point for the northeast corner of said Bert Fields, Jr. tract;

THENCE with said north line and along a fence, South 89°28'41" West, a distance of 997.89 feet to the **POINT OF BEGINNING** and containing 972,694 square feet or 22.33 acres of land;

Bearing system of this survey is based on a line oriented between City of Frisco monuments 1 and 7 found in the field, whose positions are published on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone 4202. The horizontal coordinates of this survey are local surface coordinates derived from Frisco Monument 1.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Dana Brown, RPLS
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034

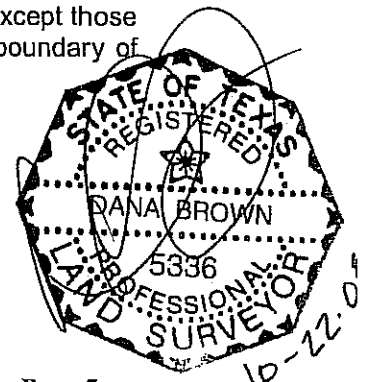


Exhibit "A-1"
Locator Map

Z08-0016
Trike Addition
From Commercial-1
To Planned Development-Retail/Office-2

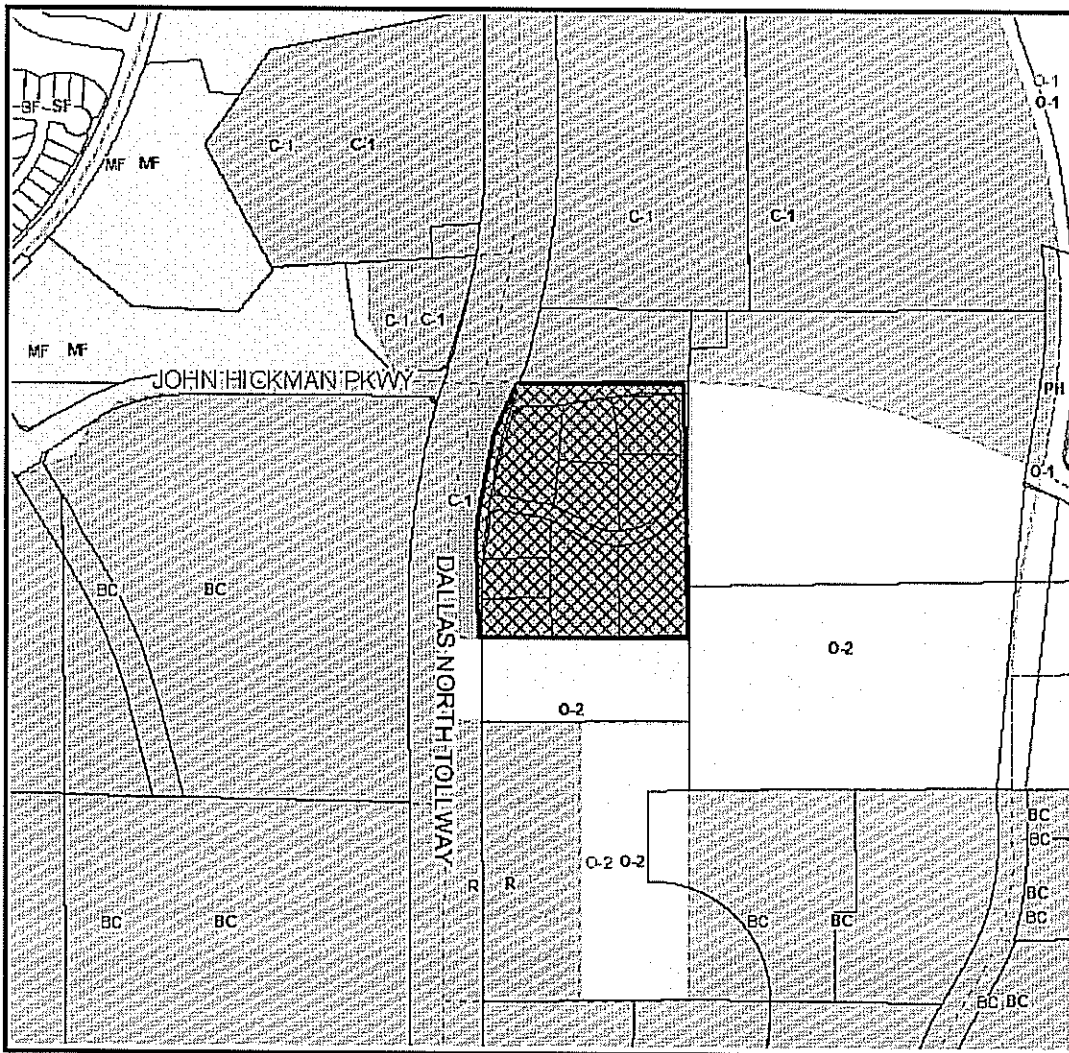


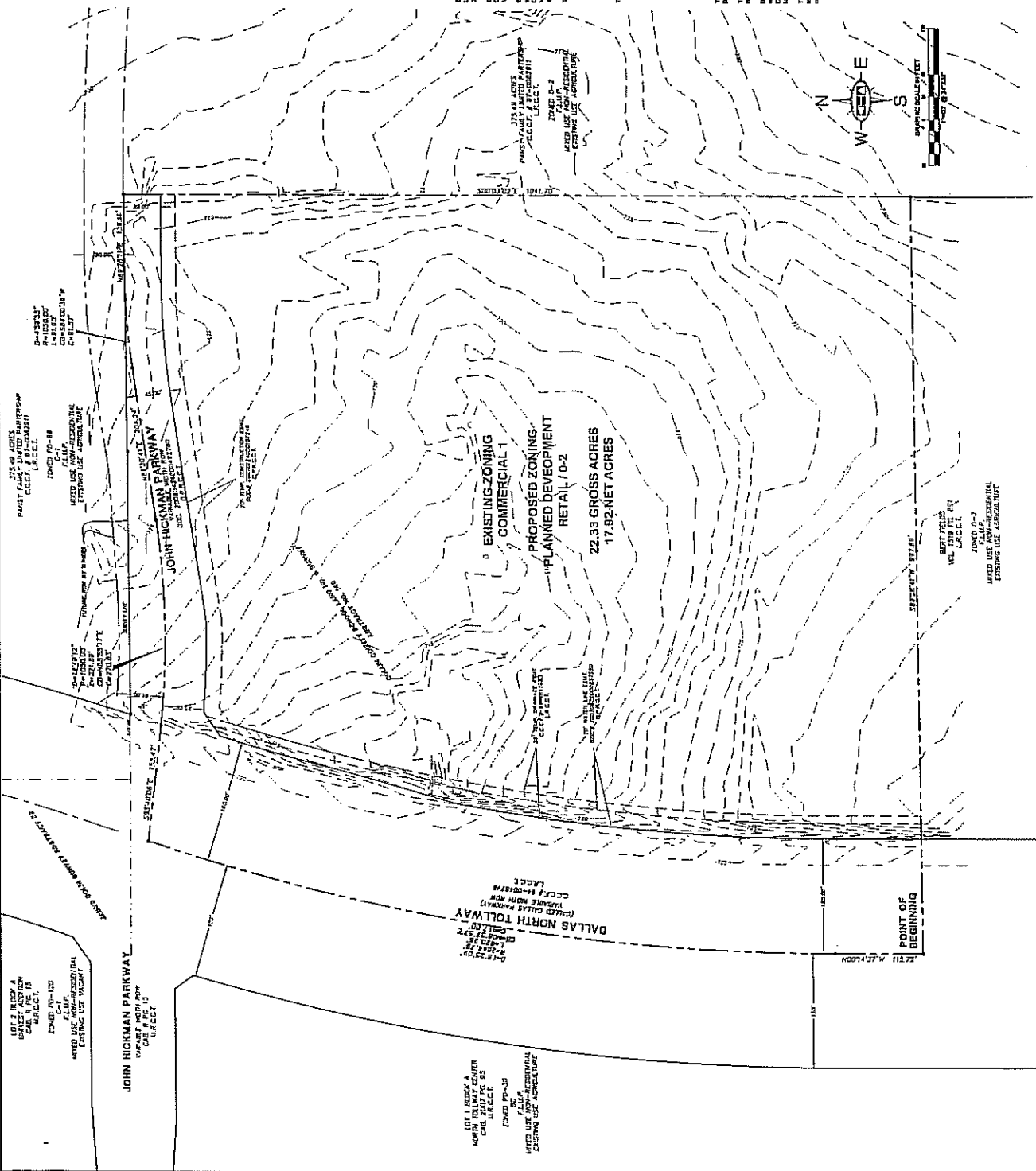
EXHIBIT "B"
STATEMENT OF INTENT AND PURPOSE

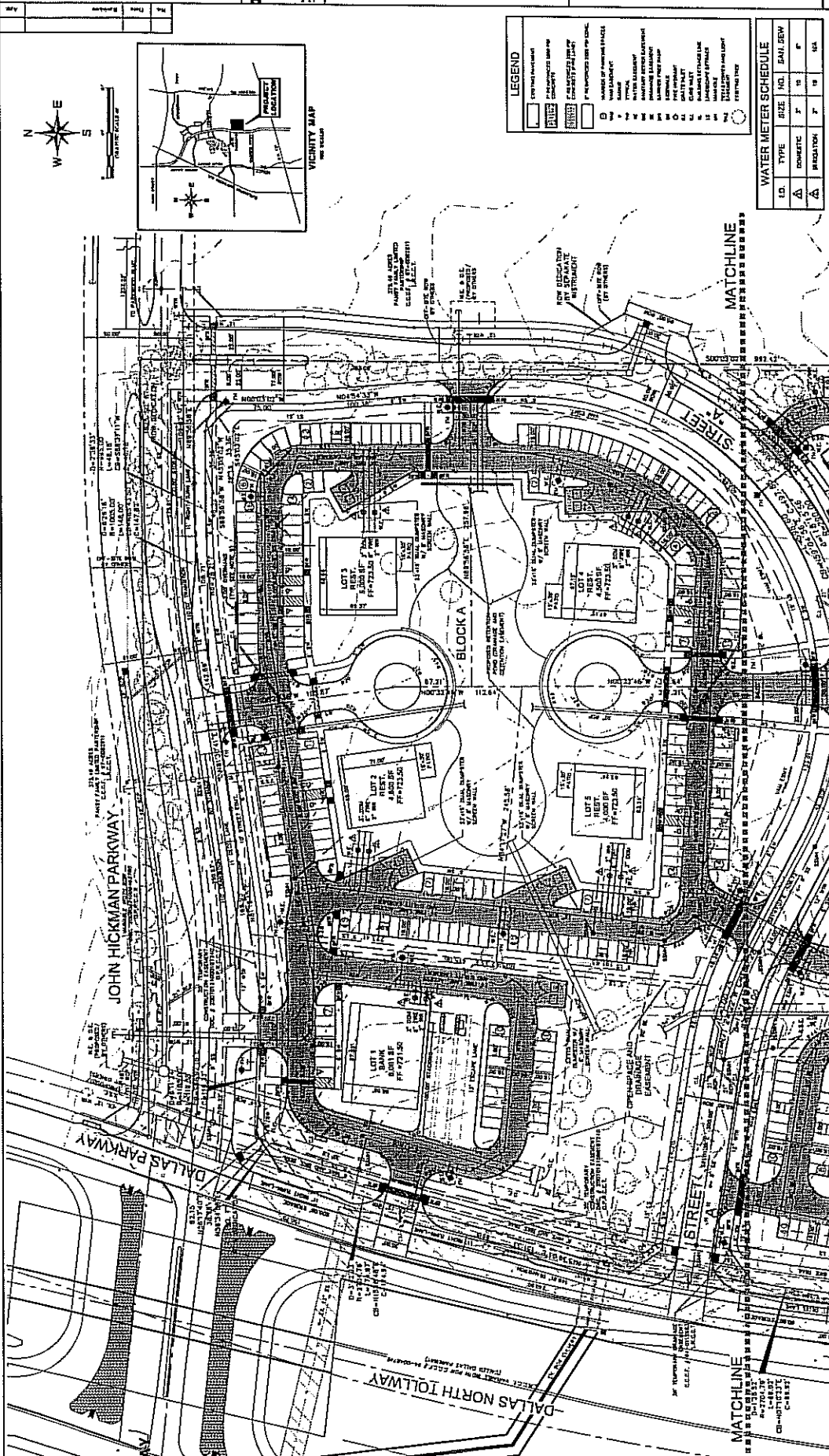
The purpose and intent of this Planned Development is to rezone the property to Planned Development-Retail/Office-2 for a retail, office, hotel, and restaurant development. The Planned Development shall create a walkable environment while creating a focal point to the site with the restaurants oriented towards a water feature.

EXHIBIT "C"
PLANNED DEVELOPMENT STANDARDS

The Property shall develop under the provisions of the Retail (R) and Office-2 (O-2) District standards as outlined in the Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, subject to the following conditions:

1. A maximum of seven (7) pad sites is allowed on the Property. Pad sites are defined as sites with buildings less than six thousand (6,000) square-feet.
2. A maximum of one (1) restaurant with drive-thru is allowed on the Property, and it must be located with frontage on Dallas Parkway, south of Street A.
3. Setbacks shall follow the requirements set forth in the Retail (R) Zoning District. Sites with buildings greater than two-stories shall follow the setback requirements set forth in the Office-2 (O-2) Zoning District.
4. Maximum Floor Area Ratio (FAR): 4:1.
5. A speed table with decorative pavement shall be constructed along Street A as shown on Exhibit "D".
6. Street A shall be designed with a twenty-five (25) mile per hour speed limit and a thirty-one (31) foot pavement section (back of curb to back of curb).
7. The zoning exhibit attached and incorporated into this Exhibit "D" shall serve as a guide for the development of the Property. Any changes to the layout of the development shall be approved by the Director of Planning & Development Services. The applicant may appeal, in writing, the Director's decision to the Planning & Zoning Commission within ten (10) days of the date of the Director's decision.

[illegible]



WATER METER SCHEDULE				
I.D.	TYPE	SIZE	NO.	SAN. SEW.
Δ	DOMESTIC	2"	10	8"
Δ	REGULATION	2"	10	12"

CITY OF FRISCO CASE NO. ZOB-0010

EXHIBIT D

TRIKE HICKMAN ADDITION
BEING 17.9209 ACRES OUT OF
COLLIN COUNTY SCHOOL LAND SURVEY NO. 8
ABSTRACT NO. 149
CITY OF FRISCO, COLLIN COUNTY, TEXAS
APPLICANTS: _____ OWNER: _____ CIVIL ENGINEER: _____

APPLICANT:	OWNER:	CIVIL ENGINEER/ SURVYOR:
<p>Ray Incorporated, L.P. 10000 Highway 190, Suite 100 Houston, Texas 77058 Tel 713-462-2386 Fax 713-462-2386</p>	<p>Ray Incorporated, L.P. 10000 Highway 190, Suite 100 Houston, Texas 77058 Tel 713-462-2386 Fax 713-462-2386</p>	<p>Geography and Landmark, Inc. 10000 Highway 190, Suite 100 Houston, Texas 77058 Tel 713-462-2386 Fax 713-462-2386</p>

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REAL ESTATE

1. 2000 lot, east side of north bound DRT
parkway road, 235' north of the last posted
property marker
Tax 221.74

2. 2000 lot, east side of north bound DRT
parkway road, 235' north of the last posted
property marker
Tax 218.25

Information is from Doug Stone Community's Internet Website, www.dougstone.com, and the Assessor's Office of 1827 North Central Avenue, Suite 200, Phoenix, AZ 85016.

2010

FLOOD STATEMENT

PLANNED STATEMENT: Submitting to Consideration
Project No. 44832-01-01, dated January 15, 1999
of the National Flood Insurance Program Act,
Flood Insurance Rate Map of The City of Wilson,
Curran County, Texas, Federal Emergency
Management Agency, National Flood Insurance
Administration, this property is not within a special
hazard hazard area.

NOTES

[illegible]

